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7 *Attorneys for Relator*

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA *ex rel.*
11 [UNDER SEAL], an individual,

12 Plaintiffs,

13 v.

14 [UNDER SEAL]

15 Defendant.
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FILED

JAN 10 2021

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

CASE NO. CV 16-7145 (NC)

**NOTICE OF VOLUNTARY DISMISSAL
AND [PROPOSED] ORDER**

**FILED UNDER SEAL
PURSUANT TO
31 U.S.C. § 3730(b)(2)**

**NOTICE OF VOLUNTARY DISMISSAL AND [PROPOSED] ORDER;
CASE NO. CV 16-7145 (NC)**

1 Relator Barry Leffew ("Relator"), through his undersigned counsel of record, hereby requests
2 that this action be dismissed, without prejudice, and that the complaint and other filings remain under
3 seal.

4 Specifically, pursuant to Fed. R. Civ. P. 41(a)(1), Relator hereby dismisses all of his claims
5 against defendant in this case.

6 The United States has indicated, pursuant to 31 U.S.C. § 3730(b)(1), that it consents to
7 dismissal of the action, without prejudice to the United States, and that it will file a written consent to
8 dismissal with the Court.

9
10 Respectfully Submitted,

11 Dated: January 10, 2022

COTCHETT, PITRE & McCARTHY, LLP

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13
14 By: 

NIALL P. McCARTHY
JUSTIN T. BERGER

Attorneys for Relator Barry Leffew

[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT:

1. Pursuant to the notice of dismissal filed by Relator pursuant to Fed. R. Civ. P. 41(a)(1), and notice of consent filed by the United States, this action is dismissed, in its entirety, against all defendants, without prejudice.
2. This matter shall remain under seal until further order of the Court.

IT IS SO ORDERED.

Dated: _____

HON. NATHANIEL COUSINS
United States Magistrate Judge

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PROOF OF SERVICE

I am employed in the County of San Mateo. I am over the age of 18 years and not a party to this action. My business address is the Law Offices of Cotchett, Pitre & McCarthy, LLP, San Francisco Airport Office Center, 840 Malcolm Road, Burlingame, California, 94010. On this day, I served the following document(s) in the manner described below:

1. NOTICE OF VOLUNTARY DISMISSAL AND [PROPOSED] ORDER

✓ **VIA MAIL:** I am readily familiar with this firm's practice for causing documents to be served by first class mail. Following that practice, I caused the sealed envelope containing the aforementioned document(s) to be delivered via first class mail to the addressee(s) specified below.

and

✓ **VIA E-MAIL:** My e mail address is jtung@cpmlegal.com. I am readily familiar with this firm's practice for causing documents to be served by e-mail. Following that practice, I caused the aforementioned document(s) to be emailed to the addressee(s) specified below.

<u>VIA E-MAIL AND MAIL</u> Stephanie M. Hinds, United States Attorney Michelle Lo, Chief, Civil Division Assistant United States Attorney 450 Golden Gate Avenue, Box 36055 San Francisco, California 94102 Michelle.Lo@usdoj.gov	COUNSEL FOR THE UNITED STATES OF AMERICA
<u>VIA MAIL</u> Jamie Ann Yavelberg Sara Mclean Patrick Klein Civil Division United States Department of Justice P.O. Box 261 Ben Franklin Station Washington, D.C. 20044	COUNSEL FOR THE UNITED STATES OF AMERICA

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed at Burlingame, California, on January 10, 2022.



JENNIFER TUNG